

REMARKS

The Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow.

Status

Claims 1-14 were pending.

Claims 1-3 have been withdrawn.

Claims 4, 5 and 7-12 are currently being amended.

After amending the claims as set forth above, Claims 4-14 are presented for further examination.

The Applicant believes that the present Application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

Objection to the Specification

On pages 2-3 of the Office Action, the Examiner objected to the Specification. The Examiner provided guidelines for the preferred layout for the Specification and suggested that Applicants provide the listed headings to the Specification. The Specification has been amended to include headings. The Applicants request withdrawal of the objection to the Specification.

Claim Rejections – 35 U.S.C. § 102

On page 3 of the Office Action, the Examiner rejected Claims 4-14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,009,792 (“Kraan ‘792”).

The Examiner stated that Kraan '792 discloses:

A beverage preparation apparatus, comprising: a holder 4 for supporting a coffee cartridge, the holder having an inlet 24 and outlet 20, the outlet forming a nozzle 22; a hot water means 38, 40, 42 for supplying hot water under pressure; a first buffer reservoir 28 having a first outflow path 30; the second buffer reservoir 25 having a second outflow path 26, the second buffer reservoir forming an impact surface (bottom of housing 32) positioned relative to the first buffer reservoir; wherein, if desired, the first buffer reservoir can be removed from the second reservoir.

Claim 4 is in independent form and recites an “apparatus for the preparation of a cappuccino” comprising, in combination with other elements, a buffer reservoir that is removable from the apparatus. Claims 5-14 depend from independent Claim 4.

Kraan '792 is directed to an “apparatus for preparing coffee” including a “holder” 4 detachably connected to a housing 2. The holder 4 receives a pouch 6 (which is a coffee-filled filter). The housing 2 also includes a liquid receiving space 25 with a cup-shaped collecting reservoir 28. In operation:

hot water can subsequently be supplied to the duct 40. This hot water is supplied via the cover 34 to the top of the pouch 6. This hot water passes through the pouch and proceeds to collect as coffee extract in the recess 20. Then the coffee extract spouts through the spout opening 22 into the collecting reservoir 28. The collecting reservoir 28 is thus filled with coffee extract. As the coffee extract spouts into the surface of the liquid in the collecting reservoir 28, a good cafe creme is formed. This cafe creme flows via the opening 30 out of the collecting reservoir to leave the housing via the outlet opening 26.

See Kraan '792, col. 6, lines 19-29. The collecting reservoir 28 is not removably mounted to housing 2.

Kraan '792 does not identically disclose an “apparatus for the preparation of a cappuccino” comprising, among other elements, a “buffer reservoir” that is “removable from the apparatus” as recited in independent Claim 4. The rejection of Claim 4 over Kraan '792 is not proper. Claim 4 is patentable over Kraan '792.

Dependent Claims 5-14, which depend from independent Claim 4, are also patentable. See 35 U.S.C. § 112 ¶ 4.

The Applicants respectfully request withdrawal of the rejection of Claims 4-14 under 35 U.S.C. § 102(b)

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The Applicant believes that the present Application is now in condition for allowance. Favorable reconsideration of the Application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present Application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this Application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37

C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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